

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IRACING.COM MOTORSPORT SIMULATIONS,
LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

TIM ROBINSON, individually and d/b/a www.ow-
racing.com and www.torn8oalley.com

Defendant.

X

Civil Action No.
05-11639 NG

[PROPOSED] ORDER ON
EX PARTE APPLICATION
FOR TEMPORARY
RESTRAINING ORDER
AND EXPEDITED
DISCOVERY

X

1. Upon the Ex Parte Application for Temporary Restraining Order and Expedited Discovery, the memorandum and affidavit in support of that application, and for good cause shown, it is hereby ORDERED that:

2. Defendant Tim Robinson ("Robinson") shall deliver all documents responsive to the document request attached hereto as Exhibit A to the office of plaintiff's counsel no later than 48 hours after service upon him.

3. A Temporary Restraining Order immediately shall issue, and Robinson, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with him, shall not publish any derivative thereof or modification to NASCAR® Series 2003 Season ("NASCAR® 2003") source code or any software executables that defeat NASCAR® 2003's copy protection. Plaintiff iRacing.com Motorsports Simulations, LLC ("iRacing") may notify Robinson and others potentially subject to the Temporary Restraining Order by electronic mail delivery of copies of this Order and the Temporary Restraining Order in PDF and TIFF file formats, followed by service by certified United States mail to such recipient's last known address.

3. Robinson shall preserve inviolate the software and information that makes up or contains source code, object code and/or documents relating to NASCAR® 2003 or any derivatives thereof, including, but not limited to applications called "owr2k5-_v1.0.0.1.zip" and "owsc_nocd_temp.zip," as well as all records that reflect the identity or number of persons who downloaded those applications from Internet sites that Robinson has registered or with which he is affiliated.

Dated: August , 2005

SO ORDERED,

, J.

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FIRST REQUEST FOR
PRODUCTION OF
DOCUMENTS TO
DEFENDANT
TIM ROBINSON

X

Pursuant to Fed. R. Civ. P. 34, iRacing.com Motorsport Simulations, LLC ("iRacing") hereby requests that you produce for inspection and copying within 48 hours after service hereof at Petrie Schwartz LLP, 500 Boylston Street, Suite 1860, Boston, Massachusetts 02116 all Documents¹ in your possession, custody or control, referring or relating to:

DOCUMENTS REQUESTED

Request No. 1:

1. NASCAR® 2003, including any modifications or derivative works thereof, and any hex editing tools or other reverse engineering tools used by Robinson with respect to NASCAR® 2003.

DEFINITIONS AND INSTRUCTIONS

1. The meaning of all non-defined terms shall be in accordance with their ordinary and accepted usage. iRacing incorporates by reference the Uniform Definitions In Discovery Requests contained in Local Rule 26.5.

¹ See Definitions and Instructions below.

2. In addition, "document" means all software programs, electronic data files, including word processing documents, spreadsheets, database files, charts, drafts, outlines, e-mail, PIF files, batch files, source code, object code, executable files, configuration files and deleted files. "Document" also means all other electronic data stored on computer memories, hard disks, floppy disks, cd-rom, or any other method.

3. "iRacing" or "plaintiff" means plaintiff iRacing.com Motorsport Simulations, LLC and its officers, directors, agents, representatives, employees, predecessors and assigns.

4. NASCAR® 2003 means NASCAR® Series 2003 Season computer software program and any derivative works thereof

5. "Robinson", "you" and/or "your" means defendant Tim Robinson and his agents, representatives, employees, assigns and registered domain names.

6. If an objection is made to any request contained herein, for each item or category objected to:

- (a) State the specific ground for each objection;
- (b) Identify each such document by giving its date, the name of each author (and each addresser, if different), the name of each addressee (and each recipient, if different) and by giving any other information necessary to identify such document or part thereof; and
- (c) Provide a description of the subject matter of each document or item.

7. This request for production of documents is continuing, and to the extent that Robinson or his counsel subsequently acquires documents that would supplement his responses to this request, iRacing requests that Robinson timely serve supplemental

responses pertaining to this request and produce such documents.

DATED: August ____, 2005

Respectfully submitted,

iRacing.com Motorsport Simulations, LLC

By its attorneys,

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